

The Honorable Richard A. Jones
The Honorable James P. Donohue

EXHIBIT A

DECLARATION OF SAMANTHA D. KANNER IN SUPPORT OF KING COUNTY
DEFENDANTS' CONSOLIDATED RESPONSE TO PLAINTIFF'S PENDING MOTIONS

EXHIBIT A

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KING COUNTY
SUPERIOR COURT CLERK
E-FILED
CASE NUMBER: 16-1-06917-3 SEA

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

THE STATE OF WASHINGTON,)
Plaintiff,)
v.) No. 16-1-06917-3 SEA
)
KYLE LYDELL CANTY,) INFORMATION
)
Defendant.)
)
)

I, Daniel T. Satterberg, Prosecuting Attorney for King County in the name and by the authority of the State of Washington, do accuse KYLE LYDELL CANTY of the following crime[s], which are based on the same conduct or a series of acts connected together or constituting parts of a common scheme or plan: **Assault In The Second Degree, Assault In The Third Degree**, committed as follows:

Count 1 Assault In The Second Degree

That the defendant KYLE LYDELL CANTY in King County, Washington, on or about December 22, 2016, did intentionally assault another and thereby recklessly inflict substantial bodily harm upon Christopher Scott Myers;

Contrary to RCW 9A.36.021(1)(a), and against the peace and dignity of the State of Washington.

Count 2 Assault In The Third Degree

That the defendant KYLE LYDELL CANTY in King County, Washington, on or about December 22, 2016, did intentionally assault Canek X. Gordillo, a law enforcement officer or other employee of a law enforcement agency who was performing official duties at the time of the assault;

Contrary to RCW 9A.36.031(1)(g), and against the peace and dignity of the State of Washington.

Daniel T. Satterberg, Prosecuting Attorney
CRIMINAL DIVISION
W554 King County Courthouse
516 Third Avenue
Seattle, WA 98104-2385
(206) 296-9000 FAX (206) 296-0955

INFORMATION - 1

1 DANIEL T. SATTERBERG
2 Prosecuting Attorney
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5 By:
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8 Brynn N. H. Jacobson, WSBA #47820
9 Deputy Prosecuting Attorney
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2 CAUSE NO. 16-1-06917-3 SEA
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5 PROSECUTING ATTORNEY CASE SUMMARY AND REQUEST FOR BAIL AND/OR
6 CONDITIONS OF RELEASE
7

8 The State incorporates by reference the Certification for Determination of Probable
9 Cause prepared by Detective Frank D Clark of the Seattle Police Department for case number
10 2016-458826.
11

12 Pursuant to CrR 2.2 the State requests bail set in the amount of \$100,000.00, consistent
13 with the bail set at the first appearance in this case. The defendant presents a significant danger
14 to the community, particularly Law Enforcement. He approached uniformed Seattle Police
15 officers as they were arresting an unrelated suspect. He was verbally aggressive towards them
16 and challenged them to a fight. When an officer tried to create space between them the defendant
17 pushed that officer. The defendant punched another officer in the head. That officer later
18 experienced a significant headache and was found to have a possible concussion and a posterior
19 vitreous detachment of the eye. As officers were trying to arrest the defendant he grabbed
20 another officer's vest and pulled the three of them to the ground. As they fell they landed on that
21 officer's leg which caused a fracture of his lower right fibula and an ankle sprain. While on the
22 ground the defendant continued his attempts to assault law enforcement.
23

24 This is not the defendant's first threatening contact with law enforcement. On July 2,
25 2016 the defendant made threatening statements about "throwing bullets" to an SPD officers and
26 made comments about being the next "Christopher Monfort." The defendant was charged with
27 Felony Harassment; however that case was dismissed on November 29, 2016 by Judge Shaffer.
28 The defendant was released from the King County Jail that same day.
29

30 Prosecuting Attorney Case
31 Summary and Request for Bail
32 and/or Conditions of Release - 1

33 Daniel T. Satterberg, Prosecuting Attorney
34 CRIMINAL DIVISION
35 W554 King County Courthouse
36 516 Third Avenue
37 Seattle, WA 98104-2385
38 (206) 296-9000 FAX (206) 296-0955

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2 The defendant's ties to the community are limited. According to Court Services the
3 defendant has been in Washington for only 8 months and does not have a stable address. He has
4 arrest history from the state of New York. Therefore the State requests bail be set at \$100,000.
5 In addition to bail, the State requests that the defendant have no contact with the Seattle Police
6 Department or its officers, except in the officers' official capacities.
7
8

9 Signed and dated by me this 28th day of December, 2016.
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13 Brynn N. H. Jacobson, WSBA #47820
14 Deputy Prosecuting Attorney
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Prosecuting Attorney Case
Summary and Request for Bail
and/or Conditions of Release - 2

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Seattle, WA 98104-2385
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CAUSE NO. _____

**CERTIFICATION FOR DETERMINATION
OF PROBABLE CAUSE**

GENERAL OFFENSE #	2016-458826
UNIT FILE NUMBER	
	H16-492

That Frank Clark is a Detective with the Seattle Police Department and has reviewed the investigation conducted in Seattle Police Department Case Number 2016-458826;

There is probable cause to believe that Kyle Lydell Carty committed the crime(s) of Assault on a Police Officer x 2 within the City of Seattle, County of King, State of Washington.

This belief is predicated on the following facts and circumstances:

On 12-22-2016, at about 1613 hours, on duty Seattle Police Officers Gordillo and Merritt, in complete police uniform, were attempting to arrest a suspect for Drug Traffic Loitering in the 1600 block of 4th Avenue, City of Seattle County of King, and State of Washington (*Documented in SPD General Offense Report #2016-458812*). The suspect fled on foot, but was caught and arrested in the 200 block of Pike Street. As officers were completing their arrest, they were approached by a person later identified as Kyle Lydell Carty. Carty was not involved in the original incident or associated with the unrelated arrested suspect. The officers were affecting the arrest and search for evidence in a closed alleyway that was clearly marked "No Admittance". Suspect Carty began speaking to the arrested suspect and became aggressive and loud. Carty was instructed not to come into the alleyway and he was warned that he could be arrested for obstruction. Suspect Carty then began yelling words like "fuck you" and "fuck the Seattle Police" towards one of the officers. He also referred to a Seattle Police detective encouraging the officers to tell the detective that "it's on". Suspect Carty challenged SPD Officer Kang to "make a move".

Seattle Police Officer Elizabeth Kennedy had responded to the scene and attempted to de-escalate the situation by calmly talking to suspect Carty. Suspect Carty would not recognize the officer's presence and while standing rigid and tense, continued to challenge officer Kang.

As officers Gordillo and Merritt were attempting to place their arrested suspect into a patrol vehicle, suspect Carty continued to move closer to the officers. Suspect Carty was again instructed to move back. Suspect Carty positioned himself in what appeared to be a fighting stance and told Officer Kang that he was not moving.

Additional back-up officers, Myers and Anderson, arrived on the scene. Officer Myer's took position behind suspect Carty who continued to yell and be verbally aggressive. Suspect Carty was calling officer Kang a "bitch" and challenging him to "bring it". Officer Myers attempted to create a barrier by placing his hands out in front of his body at which time suspect Carty pushed officer Myers with his right forearm. This action forced officer Myers' arm into his own chest. Officer Myers pushed suspect Carty back about 2-3 feet to create a space between them.

Officer Gordillo and officer Myers decided to arrest suspect Carty for assault. Officer Gordillo stepped towards suspect Carty. Suspect Carty then struck officer Gordillo in the left side of his face/head with a closed fist. Officer's Gordillo and Myers took hold of suspect Carty in an attempt to control him and take him to the ground. Suspect Carty grabbed a hold of officer Gordillo's external vest carrier and began to pull on it. This action caused suspect Carty and officers Gordillo



**CERTIFICATION FOR DETERMINATION
OF PROBABLE CAUSE**

INCIDENT NUMBER	2016-458826
UNIT FILE NUMBER	H16-492

and Myers to fall to the ground. Suspect Canty landed on officer Myer's leg, just below the right knee. Suspect Canty continued to struggle and officer Myers heard a "pop" in his leg/ankle region. The injury immediately began to become swollen. Suspect Canty continued to attempt to punch officer Gordillo. Suspect Canty also was able to take hold of officer Gordillo's radio microphone which is attached by a long cord. Other officers were summoned to assist and suspect Canty continued to struggle as he was handcuffed and taken into custody.

Seattle Fire Department Medics responded to the scene to treat officer Myers. Officer Myers was transported to the Ballard Swedish Hospital where he was diagnosed with a fracture of his lower right fibula and an ankle sprain.

Officer Gordillo was treated at the SPD East Precinct for pain to his left elbow. He later developed a significant headache and taken to Harborview Medical Center where it was determined he was suffering from a possible concussion and a posterior vitreous detachment (Eye [retina] injury).

Subsequent criminal records check show that suspect Canty has a similar pattern of conduct including threats to police officers and other criminal justice employees. He has a NCIC entry advising officers he is a Violent Offender and Serious Threat to Law Enforcement Officers.
These incidents have been documented in Seattle Police Reports 2016-219276, 2016-230940, 2016-242554, 2016-244744, and 2016-2778.

Under penalty of perjury under the laws of the State of Washington, I certify that the foregoing is true and correct to best of my knowledge and belief. Signed and dated by me this 27th day of December, 2016, at Seattle, Washington.

A handwritten signature in black ink, appearing to read 'D. [Signature] #5327'.

AGENCY: WASPD0000 CASE NUMBER 2016-458826 FILE NUMBER PCN NUMBER 				SUPERFORM	
DATE & TIME OF VIOLATION 12/22/2016 4:25 PM		CRIMINAL TRAFFIC CITATION ATTACHED? <input type="checkbox"/> YES <input type="checkbox"/> NO		ACCOMPlices	
DATE OF ARREST/TIME 12/22/2016 4:26 PM		ARREST LOCATION 300 Pike ST Seattle, WA 98101			
NAME (LAST, FIRST, MIDDLE/JR, SR, 1st, 2nd) CANTY, KYLE LYDELL				DOB 7/20/1985	ALIAS, NICKNAMES
ARMED/DANGEROUS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IDENTITY IN DOUBT? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		CITIZENSHIP	
PHYSICAL DETAILS SEX HEIGHT WEIGHT SKINTONE RACE EYE HAIR SCARS, MARKS, TATTOOS, DEFORMITIES M 507 160 DRK B BRO BLK					
IDENTIFICATION NUMBER CCN 1943622 PRIOR BA# 216020036 AFS# 01023292 FBI# 279670HD6		STATE ID # NY2167178N		DRIVER'S LICENSE # 	
STATE RESIDENCE PHONE		EMPLOYER, SCHOOL (ADDRESS, SHOP/UNION NUMBER) 		STATE SSN	
EMPLOYER, SCHOOL		BUSINESS PHONE		OCCUPATION	
EMERGENCY CONTACT PERSON TO BE CONTACTED IN CASE OF EMERGENCY		RELATIONSHIP		Address	
PHONE					
OFFENSE <input type="checkbox"/> DV <input type="checkbox"/> FUGITIVE I - ASSAULT INV RCW / ORD# 1399 COURT / CAUSE# / CITATION #					
OFFENSE <input type="checkbox"/> DV <input type="checkbox"/> FUGITIVE I - ASSAULT INV RCW / ORD# 1399 COURT / CAUSE# / CITATION #					
OFFENSE <input type="checkbox"/> DV <input type="checkbox"/> FUGITIVE RCW / ORD# COURT / CAUSE# CITATION #					
WARRANT DATE		WARRANT NUMBER		OFFENSE	
ORIGINATING POLICE AGENCY		ISSUING AGENCY		AMOUNT OF BAIL	
WARRANT RELEASED TO: (SERIAL # / UNIT / DATE / TIME)		WARRANT TYPE			
LIST VALUABLE ITEMS OR PROPERTY LEFT FOR ARRESTEE AT JAIL					
LIST VALUABLE ITEMS OR PROPERTY ENTERED INTO EVIDENCE (SIMPLE DESCRIPTION, IDENTIFYING MARKS, SERIAL #)					
LIST ITEMS ENTERED INTO SAFEKEEPING					
TOTAL CASH OF ARRESTEE \$0.00		WAS CASH TAKEN INTO EVIDENCE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		AMOUNT: \$0.00	
SIGNATURE OF JAIL STAFF RECEIVING ITEMS / SERIAL #		SIGNATURE OF JAIL STAFF RECEIVING ITEMS / SERIAL #			
ARRESTING OFFICER / SERIAL # Myers, C 5452		TRANSPORTING OFFICER / SERIAL # Virgilio, M 7575		SUPERVISOR SIGNATURE / SERIAL #	
SUPERIOR COURT FILING INFO <input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE <input type="checkbox"/> OUT ON BOND			COURT CAUSE (STAMP OR WRITE)		
COURT/DIST. CT.NO.		DIST. CT. BOND \$		SUP. CT. DATE	
PERSON APPROVING EXTRADITION E N T R Y NCIC		SEEKING LOCAL ONLY WAC/STATE WIDE <input type="checkbox"/>		NCIC-WILL EXTRADITE FROM ID & OR ONLY <input type="checkbox"/>	
				NCIC-WILL EXTRADITE FROM OR, ID, MT, WY, CA, NV, UT, CO, AZ, NM, HI, AK <input type="checkbox"/>	
				NCIC-WILL EXTRADITE FROM FROM ALL 50 STATES <input type="checkbox"/>	
C L E A R A N C E		D O C T O C O P		D O C T O C O P	
STATEMENT OF PROBABLE CAUSE: NON-VUCSA					

I BARBARA MINER Clerk of the Superior Court of the State of Washington
for King County do hereby certify that this copy is a true and perfect transcript
of said original as it appears on file and of record in my office and of the whole
thereof IN TESTIMONY WHEREOF I have affixed this seal of said Superior
Court at my office at Seattle on this date JUL 28 2017

BARBARA MINER Superior Court Clerk

By Barbara
Deputy Clerk



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KING COUNTY, WASHINGTON

FEB 15 2017

SEA
SUPERIOR COURT CLERK

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

THE STATE OF WASHINGTON,)
Plaintiff,)
v.) No. 16-1-06917-3 SEA
)
KYLE LYDELL CANTY,)
Defendant.) FIRST AMENDED INFORMATION
)
)

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2 DANIEL T. SATTERBERG
3 Prosecuting Attorney
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5 By:
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9 Brandy L. Gevers, WSBA# 45234
10 Deputy Prosecuting Attorney
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thereof IN TESTIMONY WHEREOF I have affixed this seal of said Superior
Court at my office at Seattle on this date JUL 28 2017



BARBARA MINER Superior Court Clerk

By Barbara
Deputy Clerk

CERTIFIED COPY

FILED

King County Superior Court of Washington 17 JUL 26 AM 11:24
NOTICE OF SENTENCING DATE

KING COUNTY
SUPERIOR COURT

JUDGE	ROOM	VERDICT DATE
Smith, Lori K.	W941	7/25/17
STATE OF WASHINGTON VS.		
CANTY, KYLE		
CAUSE NO.	Charge(s)	<input type="checkbox"/> Felony <input type="checkbox"/> Misd
16-1-06917-3 SEA	ASLT 2° x2	
SENTENCING DATE	SENTENCING TIME	
08/10/2017	8:30AM	
DEFENSE ATTORNEY	TELEPHONE	
PRO SE		
CANTY, KYLE		

PRESENTENCE REPORTS ARE REQUIRED FROM THE PROSECUTING ATTORNEY AND THE DEFENSE ATTORNEY PURSUANT TO CrR 7.1.

COMMENTS:

DEFENDANT'S ADDRESS			
IN Custody SEA			
CITY	STATE	ZIP CODE	TELEPHONE
DATE OF BIRTH		CCN	
07/20/1985		1943622	
INTERPRETER			

DISTRIBUTION: Prosecuting Attorney, Defense Attorney, Sentencing Judge, Sentencing Coordinator
ORIGINAL: Court File

Please remember to use our Security Request form for all security requests and/or to advise the KCSO Court Protection Unit of any/all upcoming high profile/security related hearings. Click on the following link to access the Security Request form: [Security Request Forms](#).

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BARBARA MINER Superior Court Clerk

By Barbara
Deputy Clerk

